

Design Review and Conditional Use Permit Conditions
 Creekside Vistas Mixed-Use Development Project
 914-944 Third Avenue

The Chula Vista City Council does hereby approve Design Review Permit DRC-06-35 subject to the following conditions:

1. The subject property shall be developed and maintained in substantial conformance with the approved application, plans, and color and material board, except as modified herein.
2. Applicant shall submit all exterior lighting plans, landscape and irrigation plans, solid waste and recycling plans for review and approval prior to the issuance of building permits.
3. Prior to leasing any retail space, the Developer shall submit written description for hours of operation for the tenants of the retail/commercial uses to the Director of Community Development for review and approval. The hours of operation shall be such that there is no conflict with the residential units.
4. A graffiti resistant treatment shall be specified for all wall and building surfaces and shall be noted on all building and wall plans prior to issuance of building permits.
5. The applicant/owner shall comply with all applicable federal, state, and local requirements, and in any case where it does not comply, this permit is subject to modification or revocation.
6. This permit shall become void and ineffective if not used or extended within one year from the effective date thereof, in accordance with Section 19.14.600 of the Municipal Code.
7. This permit shall be subject to any and all new, modified, or deleted conditions imposed after approval of this permit to protect the public from a specific condition dangerous to its health or safety or both due to the project, which condition(s) the City shall impose after advance written notice to the permittee and after the City has given the permittee the right to be heard with regard thereto. However, the City in exercising this reserved right/condition, may not impose a substantial expense or deprive permittee of a substantial revenue source which the permittee cannot, in the normal operation of the use permitted, be expected to economically recover.
8. The applicant shall and does hereby agree to indemnify, protect, defend, and hold harmless the City, its Council members, officers, employees, agents, and representatives from and against all liabilities, losses, damages, demands, claims, and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising directly or indirectly from a) City's approval and issuance of this permit, b) City's approval or issuance of any other permit or action, whether discretionary or non discretionary, in connection with the use contemplated herein, and without limitation, any and all liabilities arising from the operation of the facility. Applicant shall acknowledge their agreement to this provision by executing a copy of this permit where indicated below. The applicant's compliance with this provision is an express condition of this permit and this provision shall be binding on any and all of the applicant's successors and assigns.

PLANNING AND BUILDING DEPARTMENT CONDITIONS

9. The project shall comply with 2005 Energy Requirements, 2001 Handicap Accessibility Requirements and SB1025.
10. The project shall comply with applicable codes and requirements, including but not limited to 2001 CBC, CFC, CMC, CPC, ADA, and 2004 CEC requirements.
11. The project shall comply with Table 5A, Table 5B, Section 503.4, Chapter 12, 10 and 9 of Building Code with regards to Area Limits, Height of the Building, Location of Property, Special Occupancy Requirements, Ventilation, Exits and Sprinklers.
12. The project shall comply with Seismic Zone 4, wind speed 70 MPH exposure C, and other codes in effect at the time of issuance of any permit.
13. All conservation measures contained in the Creekside Vistas Water Conservation Plan (WCP) and Air Quality Improvement Plan (AQIP) shall be implemented.
14. All water conservation measures contained in the Creekside Vistas WCP shall be identified on construction plans including hot water pipe insulation, pressure reducing valves, water efficient dishwashers, water efficient landscaping and evapotranspiration (ET) controllers.
15. All air quality measures contained in the Creekside Vistas Air Quality Improvement Plan including the specific building efficiency program to be used shall be identified on construction plans.
16. The applicant shall secure access to and continued monitoring of open space/creek bed areas to ensure transients will not return to the site.
17. The applicant shall implement to the satisfaction of the Planning and Building Department and the City Engineering Division the mitigation measures identified in the Creekside Vistas Mitigated Negative Declaration (IS-06-008) and Mitigation Monitoring and Reporting Program.

FIRE DEPARTMENT CONDITIONS

18. Five (5) hydrants (24' fire roadway access/turnarounds) shall be required along with a full NFPA 13 commercial fire sprinkler system and full fire alarm monitoring system.
19. The applicant shall provide a water study to determine if adequate pressure is available for the project and if a fire pump will be required.
20. The applicant shall provide Fire Department standpipes. Refer to Table 1004-A of the CFC 2001.

GENERAL SERVICES DEPARTMENT CONDITIONS

21. The applicant shall develop and submit a Recycling and Solid Waste Management Plan to the Environmental Services Program Manager for review and approval as part of the permit process.
22. The applicant shall contract with the City's franchise hauler throughout the construction and occupancy phases of the project.

OTHER CONDITIONS

23. All water meters and public water facilities shall be located in the public right-of-way on Third Avenue. The private onsite fire hydrants and fire services for the building sprinklers will be served by private fire services located in the public right-of-way.
24. The applicant shall provide a site plan, street improvement plan, irrigation plan, plumbing plan, fire sprinkler plans to the Sweetwater Authority.
25. The applicant shall provide a letter to the Sweetwater Authority from the City Fire Department stating fire flow requirements.
26. Any new and existing water services to serve the proposed project shall require the installation of an approved double check detector check backflow assembly on that system.
27. The applicant shall provide the Chula Vista Elementary School District with a copy of an approved tentative map when the project is approved.